

**GOVERNOR'S COUNCIL ON DISABILITIES AND SPECIAL
EDUCATION
Education Committee Meeting**

**LOCATION
Governor's Council Conference Room
3601 C Street
Anchorage, Alaska
Teleconference**

**Meeting Date
April 8, 2010**

Attendees:

Julie Broyles, Chair
Anna Attla
Jennifer Card
Taylor Gregg
Ric Nelson
Tonja Updike
Debbie Kitelinger

Community Members/Guests:

Jeanne Gerhardt-Cyrus
Karen Jenkins
Mo Sanders

Staff:

Teresa Holt

Prepared by: Paula DiPaolo
Peninsula Reporting

CALL TO ORDER – 2:00 p.m.
ROLL CALL

Welcome from the Chair

Announcements and Good News

Teresa Holt announced that she heard Senator Murkowski is going to run again. Teresa added that the Senator asks for the Council's opinion on many things. Teresa added that they also get a lot of good information from Senator Murkowski on the federal level.

Teresa stated that she, Anna Attla, Tom Cyrus, Patrick Pillai and Laurie from SESA, and Tamara Cruz had a great time in Memphis.

Approval of Previous Meeting Minutes

Anna Attla stated that there is a typo on the minutes of March 11 on page five, paragraph one. The word "mail" should be replaced with "male".

Tonja Updike made a **MOTION** to approve the minutes from the January 4th, February 9th and March 11th meetings. Anna Attla **SECONDED**. The minutes were **APPROVED** as amended.

Correspondence

Teresa Holt stated that the Council received a letter from Senator Murkowski asking them to give their opinion on a letter from the Consortium for Citizens with Disabilities. Teresa stated that the Consortium was talking about the reauthorization of the No Child Left Behind Act, which is now called the Elementary and Secondary Education Act. They are concerned about a provision that would make a student's IEP the primary accountability tool for students eligible for special education. From what Teresa understands, instead of children in special education being held accountable to the standards based testing, they would be held accountable to their own IEP and whether or not they are making progress on their IEP. The Consortium does not agree with this and they state that the IEPs are not designed or used as tools for holding schools accountable as to whether or not students with disabilities are taught the academic content and achievement standards

established by the state for all students. The Consortium further stated that IEP teams do not make curriculum decisions, rather the IEP is a legal document used by schools and parents to determine what services and supports are necessary for an individual child with a disability to have access to the classroom, the curriculum, and to reach his or her potential.

Jeanne Gerhardt-Cyrus commented that her concern is that the IEPs would be written so that it would show a child has mastered certain skills, but that they wouldn't shoot for very high goals.

Julie Broyles and Debbie Kitelinger shared that it's hard watching their kids try to take the SBAs year after year that they won't measure up to.

Jeanne Gerhardt-Cyrus suggested that if there was a way to test children at their functional level, it would show kids that they are making progress and are being successful in the academic arena.

Mo Sanders stated that everyone writes their IEPs differently, and it can be a very good document that can build in accountability standards. Mo stated that she doesn't see any way to standardize the IEP writing process to ensure that it would be a good accountability tool for each child. Teresa agreed that it would be contradictory for it to be individualized and standardized.

Teresa Holt stated that she will e-mail the committee members a copy of the letter.

Review of Indicator 17

Teresa Holt stated that indicator 17 talks about the percent of due process hearing requests that were adjudicated within the 45 day timeline, or a timeline that was properly extended by the hearing officer at the request of either party. She stated that Alaska's target was 100 percent. That goal was met in 2005, 2006, 2007, but during the 2008/2009 school year, Alaska was at 42.9 percent. The explanation was that Alaska had 24 due process hearings, seven of those requests went to a decision, four requests were settled prior to the hearing, one was dismissed due to a mediation agreement or a resolution agreement, nine hearings were withdrawn by the party, and three hearings are still pending.

Teresa further stated that based on a verification visit, four of the seven hearings adjudicated within the extended timelines were not extended properly by the hearing officers, and she stated that this would be the reason for the decrease.

Teresa stated that from past experience, she knows that typically the reason for the delay is getting the hearing officer, both attorneys, and the parents all able to be in the same room on the same date. She noted that sometimes it takes a month just to find a date when everyone can meet. Teresa also noted that a lot of the scheduling difficulty is due to the attorney's schedules because there are only two or three that typically do these hearings.

Debbie Kitelinger suggested that one of the recommendations they can make to the State is to have more attorneys available to the schools.

Jennifer Card asked if they need more hearing officers. Teresa Holt stated that she will add this to her list of questions to discuss with Art Arnold.

Julie Broyles asked what the consequences were of not meeting the deadline. Teresa stated that she didn't think there was a consequence. Debbie Kitelinger stated that she believes the school should be held accountable to that 45 day timeline.

Debbie Kitelinger asked if there is anything in statute that states that they have to consider the parent's schedule before deciding on a hearing date, and she suggested that if not, that may be something that needs to be addressed.

Teresa Holt stated that in 2009 the Department of Education provided all hearing officers, school districts, and stakeholders with a memo outlining their responsibilities to uphold the 45 day timeline and more appropriately extend it. They also did a training, and they added a new tracking system that would ensure the 45 day timeline is met. Teresa stated that she will ask Art about the tracking and see what they came up with.

Teresa stated that another recommendation they could make is to encourage more mediations, which go faster.

Review of Indicator 18

Teresa stated that indicator 18 is the percent of hearing requests that went to a resolution session that were resolved through a resolution settlement agreement. She explained that a mediation is where neutral parties from the Alaska Special Ed Mediation Services come in and pull together the parents and the school and help them come to an agreement. Resolution sessions can be mediation, but typically it is the school calling the parents asking them to come in to see if they can work out their issue together.

Teresa stated that in 2005 the target was 73 percent and was met, the 2006 percentage was 54 percent, the 2007 percentage was 20 percent, and in 2008 the percentage was 8 percent.

Jennifer Card shared her personal experience of mediation not being very helpful. Jennifer stated that she feels that a problem is that there needs to be people involved in the mediation that can make decisions and have the ability to get things done. She felt that at mediation, people just said that they couldn't do anything without talking to other people about it first.

Teresa Holt stated that resolutions and mediations seem to be working successfully in the Mat-Su. Jennifer suggested that they could recommend modeling after a successful district.

Debbie Kitelinger shared her own story of unsuccessful mediation or resolution with the Yukon-Koyukuk district.

Teresa shared from her personal history that depending on the district, resolution meetings can be successful, but she found mediations to be more successful. Teresa also asked the group if there was a way to show how much money could be saved if these issues didn't go to a hearing.

Work Plan Progress

Teresa Holt stated that they need to develop their work plan goals for the May Council meeting, during which time the Council will decide on which goals they want the committee to adopt. Teresa reviewed the current work plan with the committee members.

SB 109 – Exit Exam

This bill has stalled in the legislature for this year, but there is strong support on the Senate side. Teresa stated that she feels strongly that Kevin Meyers or Bettye Davis would introduce it again. If they keep this goal, they need to get support in the House and develop a compromise with the Department of Education and the State Board of Education to gain their support.

Debbie Kitelinger stated that they should keep this goal and that the exit exam is discriminatory.

Ensure that SESA has adequate, permanent funding

Tonja Updike and Patrick Pillai gathered stories from special educators who explained that SESA is a vital service for those who live in the Bush. Teresa stated that they should continue to work on this goal and that it would probably require a statutory change or a funding change. They will need to work with the Department of Education to help the Department understand that this is different than the money for intensive needs funding.

Workforce – Advocate for a 10 percent increase in Alaska grown special education teachers

Teresa stated that they are still waiting to see if the Governor's Performance Scholarship takes hold, but she noted that it doesn't look like it's going to pass this year.

Advocate for statewide training for district staff, parents and students on implementing 504 plans

Teresa stated that a lot of work has been done on this, but they have not yet been able to present it to the State Board of Education. She stated that they are hoping to get on their agenda for the June meeting in Kodiak.

Restraint and Seclusion

Teresa stated that the Committee has stalled the work on this because they are waiting to see what happens with the federal bill.

Teresa then opened the floor to suggestions from the committee on those goals they would like to keep for next year or additional suggestions that people may have. Suggestions were:

- Keep the goal to increase the number of special ed teachers
- Keep removal of the exit exam
- Keep SESA funding
- Keep restraint and seclusion
- Keep 504 plans
- Fetal alcohol spectrum disorders, proposed FASD program at Whaley
- Handicapped parking
- Teacher training on special education in general

Report from Meetings/Conferences/Trainings

Teresa Holt stated that the American Council on Rural Special Education conference they attended was a very academic group. They were all university professors presenting their research or programs they are running out of universities.

Teresa stated that the most important session she attended was on preparing rural inclusive special educators. A lady received a grant from the Office of English Language Learners to prepare 45 people who are currently working as teachers' assistants. The TAs did an intensive study program, and in two years they graduated their first special ed teacher. Students don't have to pay for this program and can apply to the program if they are already a TA in a school. The program is in the evening and is done by distance. The TAs do their student teaching in the school in which they work so they can still get paid. Teresa stated that the drawback was that the TAs needed a significant amount of tutoring to be able to pass the courses. The screening process for the program is also very intensive.

Teresa stated that Larry Wexler, from the Office of Special Education Programs, was one of the keynote speakers. Teresa stated that she will pass along the information about professional development websites to the committee as well as post it on AKSPED.

Anna Attla stated that her favorite session was about traditional teaching versus innovative teaching. Anna noted that they have nine Alaskan Natives

from the Bush doing this traditional teaching. Another session that Anna enjoyed was on understanding other cultures to sharpen provision of inclusion in society.

Anna stated that she also had fun enjoying the nightlife of Memphis.

Teresa stated that she will share her notes from the conference with the committee members.

Report from the State Board of Education

Geri Benshoof was not available to provide a report from the State Board of Education.

Report from SESA

A SESA report was not available for this meeting.

Report from DEED

Art Arnold was not able to attend the meeting and provide a report from DEED.

Time and Date of Next Meeting

The next meeting is scheduled for May 13, 2010 at 2:00 p.m.

Adjournment

Anna Attla made a **MOTION** to adjourn the meeting. Tonja Updike **SECONDED**. The meeting was adjourned at 3:30 p.m.